

RM 8577

OFFICE OF COMMISSIONER RACHELLE B. CHONG
Federal Communications Commission
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April 18, 1995

The Honorable Harry M. Dotson
Mayor
City of Stanton
7800 Katella Avenue
Stanton, California 90680

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Re: Cellular Telecommunications Industry Association's Petition to
Preempt State and Local Zoning Regulations

Dear Mayor Dotson:

Thank you very much for your letter about the petition filed by the Cellular Telecommunications Industry Association (CTIA). This petition asks the Commission to begin a rule making proceeding to preempt state and local regulation of tower siting for commercial mobile radio service providers, such as cellular and personal communications service (PCS) companies. I am very interested in this issue, and welcomed the opportunity to hear your thoughts on it.

I certainly understand your concerns about the CTIA petition and its impact on the role of local jurisdictions in the cell siting process. Traditionally, cell siting issues are handled at the local level. By and large, this situation has been appropriate, given that zoning and land use issues involve uniquely local concerns, such as aesthetics and compliance with local building codes or other health and safety codes. I believe local authorities should continue to play a key role in these decisions.

However, as the demand for sites for wireless carriers continues to mushroom, I am also concerned about the ability of wireless providers to build out their networks without undue delay. There are many benefits to having national or regional wireless communications systems -- emergency communication abilities are enhanced, and people use wireless communications to become more efficient and productive. Further, new PCS licensees are paying the U.S. treasury billions of dollars for their licenses, which are regional and national in nature. I think it's fair for the federal government to ensure that these licensees are able to build their facilities throughout their service areas in a timely fashion. Moreover, some carriers complain that some localities may like to put a moratorium on all wireless cell sites in

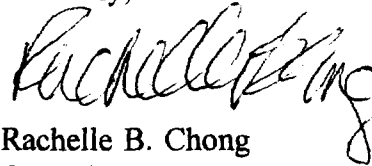
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certain geographic areas. For this reason, I believe the Commission also has an important role to play in this area to ensure ubiquitous and broad coverage without undue delay.

Having said that, I have not yet made any decisions about the CTIA petition. I believe that the Commission must balance the federal interest in ensuring the development of a competitive, efficient mobile services infrastructure against the legitimate interests of local governments in regulating zoning and land use matters. I am open to considering all options available to the Commission to strike the appropriate balance, and hope that you will work with us to find an acceptable solution for both our concerns.

I appreciate your taking the time to share your concerns with me. I will certainly keep them in mind as we consider the CTIA petition.

Sincerely,

A handwritten signature in black ink, appearing to read "Rachelle B. Chong", with a stylized flourish at the end.

Rachelle B. Chong
Commissioner



March 21, 1995

Ms. Rachelle Wong
Commissioner
Federal Communications Commission
1919 M Street NW
Washington, D.C. 20036

Dear Commissioner Wong:

In response to the Cellular Telecommunications Industry Association's Petition for Rule Making, the City of Stanton opposes the petition to amend the Communications Act of 1934 to "preempt state and local governments from enforcing zoning and other similar regulations."

While Stanton does not wish to impede or obstruct the growth of the Cellular industry, the City does not feel that the FCC and Cellular companies have the right to contradict local zoning regulations. The action pending before you is the response to extensive fines and settlements (totaling 5.26 million dollars) levied against several major Cellular companies for "...misrepresentation to the California Public Utilities Commission (CPUC), premature construction and permitting deficiencies..." This incident begs the question, "If this happens with local oversight of the process, can you imagine the ensuing difficulties of FCC oversight, a thousand miles away?"

FCC oversight of cellular tower siting does not and cannot fully weigh community issues. While we admit the permit process is not perfect, it does consider all the issues that may or may not affect the tower. Such as:

- ◆ consistent zoning for the area
- ◆ proximity to residential, commercial, industrial areas
- ◆ aesthetic and quality of life issues
- ◆ compatibility with the City's adopted General Plan and Zoning Code


Respectfully, these issues should not be decided by the FCC in Stockton or Washington. We will continue to oppose any effort by the FCC and the Cellular Telecommunications

Commissioner Rachelle Wong
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Industry which seeks to circumvent the local permit process. The City of Stanton chooses to reserve the right to control zoning and land uses within its own boundaries.

Sincerely,

Harry M. Dotson
Mayor



HMD/ar

C: City Council
Terry S. Matz, City Manager
Mark D. Lloyd, Development Services Director
California Public Utilities Commission